



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :
Pagano, et al. :
Serial No. 09/843,000 : Examiner: Gollamudi
Filed: April 26, 2001 : Art Unit: 1616
For: NAIL ENAMEL COMPOSITIONS, :
RELATED METHODS, AND A TWO :
COMPONENT KIT FOR PAINTING :
THE NAILS :
X

Assistant Commissioner for Patents
MAIL STOP: NON-FEE AMENDMENT
P.O. BOX 1450
ALEXANDRIA, VA 22131-1450

DECLARATION OF PRIOR INVENTION IN THE UNITED STATES
OR IN A NAFTA OR WTO MEMBER COUNTRY TO OVERCOME
CITED PATENT OR PUBLICATION (37 CFR §1.131)

1. This declaration is to establish completion of the invention in this application in the United states, at a date prior to July 1, 1999, that is the effective date of U.S. Patent No. 6,254,878, assigned to E.I. du Pont de Nemours and Company (the "878 Patent") cited by the Examiner as a prior art reference in the above referenced application.

2. The persons making this declaration are Frank Charles Pagano, Anjali Abhimanyu Patil, Joseph Frank Calello, and Robert Walter Sandewicz, four of the five joint inventors. Co-inventor George Harvey Armstrong did not sign off on this Declaration because he is no longer employed by Revlon Consumer Products Corporation, assignee of the above referenced application.

FACTS AND DOCUMENTARY EVIDENCE

3. To establish the date of completion of the invention of this application, the following attached documents and/or models are submitted as evidence:

- A photocopy of page 20 from Laboratory Notebook No. AAP4, entitled Project No. 6H367, "Polymers for Adhesion Test". The page is signed in the middle by Anjali Abhimanyu Patil and witnessed by Shichiu Kwan, with both signatures on November 10, 1997. This indicates that the formulas referenced above these signatures were prepared on November 10, 1997. In particular, nail enamel formulas were prepared with polymers and solvent. One of the polymers used was a copolymer of butyl methacrylate and acrylic acid (BMA/AA). The compositions prepared on the November 10, 1997 date were later tested for nail enamel adhesion. The entire notebook page was signed Anjali Abhimanyu Patil on December 11, 1997 and witnessed on the same day.

From this document it can be seen that the invention claimed in this application was made and reduced to practice by at least November 10, 1997, which is well prior to the July 1, 1999 effective date of the '878 Patent.

TIME OF PRESENTATION OF DECLARATION

This declaration is submitted after final rejection.

DECLARATION

As a person signing below, I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE

A. Inventor

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Frank Charles Pagano

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B. Inventor

Anjali Abhimanyu Patil
Anjali Abhimanyu Patil

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C. Inventor

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Date: JAN. 13, 2004

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D. Inventor

Robert Walter Sandewicz
Robert Walter Sandewicz

Date: Jan 13, 2004

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195352

174422.1

TITLE Polymers for Adhesion TestFrom Page No. 12

PURPOSE: To find out if acid group or AAEMA group ^{or the} has more adhesion to the keratine substrate.

	①	②
Polymer lot # 14780-90 (495705) (BMA (80)/AAEMA (20))	84.5	-
Polymer lot # 14780-92 (503705) (BMA (90)/AA (10))	-	84.5
Diisopropyl adipate (lot # same as AAPH-12)	2.5	2.5
Butyl acetate (lot # same as AAPH-12)	13.0	13.0

SH (2, 2H hrs) *
Xhatch 2H hrs

* (method used: IP # 7201.012)

Anjali A Patil
Nov 10, 1997

witnessed by
[Signature] Nov. 10, 1997

The results from the Quad Group in WA star (via creative Nail Design) are as follows:

AAPH - 2011	Average force required	512.1 J/m ²
AAPH - 2012	————— " —————	1596.3 J/m ²

Acrylic acid copolymer has statistically better adhesion to the keratin substrate than AAEMA copolymer.

To Page No. _____

Witnessed & Understood by me,



Date

Dec. 11/97

Invented by

Anjali A Patil

Date

Dec. 11, 1997

Recorded by